

## **REMARKS**

### **I. Introduction**

This amendment is in response to the Non-Final Office Action dated August 3, 2010.

Claims 1, 27, 28 and 29 are amended herein. Support for the amendments may be found in the originally filed claims and at least in paras. [92] to [94] of the specification. No new matter is added.

Claims 9 and 25 has been canceled here, without prejudice or disclaimer.

Claims 1 to 3, 5 to 8 and 10 to 24 and 26 to 29 will be pending upon entry of this Amendment.

### **II. Claim Objections**

Claims 24 and 25 were objected to as they claimed the same subject matter. As described above, Applicants have canceled claim 25, without prejudice. Applicants respectfully submit that the objection should be withdrawn.

### **III. 102(a) Rejection of Claims 1-3, 7-8, 11-13 and 27-29**

The Office Action rejects claims 1-3, 7-8, 11-13, and 27-29 under 35 U.S.C. 102(a) as being allegedly anticipated by U.S. Publication No. 2003/0036875 Peck *et al.* ("Peck").

Amended independent claim 1 recites, in part, "automatically enforcing, via a wizard at the information device, user compliance with a plurality of predetermined steps for a computer-assisted configuration of the network interface device, the computer-assisted configuration relating to an OSI transport layer or above; providing at least one setting to the network interface

device from the information device via the network; and receiving a setting of a logical position of the network interface device relative to the programmable logic controller." Independent claims 27 to 29 have been amended to include similar features. It is submitted that *Peck* neither discloses nor suggests at least these features, in addition to other features, recited in claim 1.

*Peck* describes a system and method for online configuration of a measurement system. The user may access a server over a network and specify a desired task, e.g. a measurement task, and receive programs and/or configuration information which are usable to configure the user's measurement system hardware (and/or software) to perform the desired task. In one embodiment the user may be guided by a measurement task wizard to provide one or more requirements for the measurement task, thereby generating/configuring a desired measurement task. See, e.g. Abstract and paras. [0165] to [0167] of *Peck*. Applicants respectfully submit, and contrary to the assertions in the Office Action, that nowhere in these cited paragraphs [0165] to [0167] or elsewhere in *Peck* is there any teaching or suggestion of "automatically enforcing, via a wizard at the information device, user compliance with a plurality of predetermined steps for a computer-assisted configuration of the network interface device, **the computer-assisted configuration relating to an OSI transport layer or above,**" as presently claimed (emphasis added). As described in Applicants' specification, an OSI model is a general functional model for computer and/or data network architecture developed by the International Standards Organization (ISO). The OSI model can be logically partitioned into seven layers, namely, from lowest to highest: 1) physical layer, 2) data link layer, 3) network layer, 4) transport layer, 5) session layer, 6) presentation layer, 7) application layer. See, e.g. para. [58] of *Peck*. While OSI is well defined industrial Ethernet communication technology for computer networking, a lot of Ethernet packets are sent using other protocols without using any defined standard, or the OSI communication

model, in particular. In other words, not only does *Peck* not describe computer-assisted configuration relating to an OSI transport layer or above, but *Peck* also does not provide any description or suggestion of what protocol they are using to exchange information. In the presently claimed invention, on the other hand, a wizard is provided for the user to configure the network interface device, where the configuration relates to the OSI stacks, and in particular the transport layer or above.

While *Peck* does not describe at least the feature of “automatically enforcing, via a wizard at the information device, user compliance with a plurality of predetermined steps for a computer-assisted configuration of the network interface device, the computer-assisted configuration relating to an OSI transport layer or above,” solely to further prosecution, Applicants have amended independent claim 1 to include the features of claim 9. Namely, “receiving a setting of a logical position of the network interface device relative to the programmable logic controller.” Applicants agree with the assertion on page 6 of the Office Action that *Peck* does not describe this feature. However, contrary to the assertions in the Office Action, *Mishina* (JP 11-175114) does not cure the deficiencies of *Peck*. *Mishina* merely describes a screen position of a device register. In particular *Mishina* describes the programming the position information for carrying out the pictorial display of the device register. See, e.g. Abstract and para. [0004] of *Mishina*. Applicants respectfully submit that the pictorial display of an object is not the same as the presently claimed logical position of the network interface device relative to the programmable logic controller. As defined in Applicants’ specification, the logical position is a sequential identification, such as an IP address. The logical position, or IP address, allows the PLC and/or information device to use and communicate with the network interface device. Using a logical position setting can allow the information device to, for example, provide and/or receive an identification

moniker for the network interface device. See, e.g. paras. [49] and [94] of Applicants' specification.

Based upon the foregoing, it is submitted that *Peck* neither discloses nor suggests all of the features recited in independent claims 1, 27, 28 and 29. As claims 2-3, 7-8, 11-13, depend from, and incorporate the features of, claim 1, it is further submitted that claims 2-3, 7-8, 11-13 are patentable over the cited prior art for at least the reason they depend from allowable independent claims.

#### **IV. 103(a) Rejection of Claims 5-6 and 10**

Claims 5-6 and 10 are rejected under 35 U.S.C. 103(a) as being allegedly unpatentable over *Peck* in view of U.S. Patent No. 5,984,269 Mattson et al. ("*Mattson*").

Regarding the rejection of claims 5-6 and 10, as described above, *Peck* neither discloses nor suggests all of the features recited in claim 1, the base claim from which claims 5-6 and 10 depend. Applicants respectfully submit that *Mattson* does not cure the deficiencies of the *Peck* reference. As claims 5-6 and 10 depend from, and incorporate the features of, claim 1, it is submitted that claims 5-6 and 10 are patentable over the references for at least the same reasons that claim 1 is patentable. Accordingly, withdrawal of the 103 rejections of the pending claims is respectfully requested.

#### **V. 103(a) Rejection of Claim 9**

Claim 9 is rejected under 35 U.S.C. 103(a) as being allegedly unpatentable over *Peck* in view of J.P. 11-175114 Mishina ("*Mishina*").

As described above, the features of claim 9 have been added to claim 1, solely to further prosecution, and claim 9 has been canceled by this response. As also described above, *Peck* does not disclose or suggest the features of claim 9, as agreed to by the Examiner, and neither does *Mishina*, which merely

describes a pictorial screen position of a device register and not a logical position of a network interface device relative to a PLC. As described above, claim 1 is patentable over the references for at least these reasons, and those described above. Accordingly, withdrawal of the 103 rejections of the pending claims is respectfully requested.

**VI. 103(a) Rejection of Claims 14-26**

Claims 14-26 are rejected under 35 U.S.C. 103(a) as being allegedly unpatentable over *Peck* in view of U.S. Patent No. 6,502,234 Gauthier et al. ("*Gauthier*").

Regarding the rejection of claims 14-26, as described above, *Peck* neither discloses nor suggests all of the features recited in claim 1, the base claim from which claims 14-26 depend. Applicants respectfully submit that *Gauthier* does not cure the deficiencies of the *Peck* reference. As claims 14-26 depend from, and incorporate the features of, claim 1, it is submitted that claims 14-26 are patentable over the references for at least the same reasons that claim 1 is patentable. Accordingly, withdrawal of the 103 rejections of the pending claims is respectfully requested.

**VII. Conclusion**

The Applicants believe all pending claims are in condition for allowance, and respectfully request reconsideration and allowance of the same.

If any additional time is required, please accept this paragraph as a request for such an Extension of Time and authorization to charge the requisite extension fee to Deposit Account No. 19-2179. Please charge any required new claim fees to Deposit Account No. 19-2179. If any other fees are required, please charge Deposit Account No. 19-2179. The Applicants encourage the Examiner to telephone Applicants' attorney should any issues remain.

Respectfully submitted,

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